

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARK A. FREGIA,

Plaintiff,

v.

YUCUI CHEN, et al.,

Defendants.

Case No. 1:20-cv-01024-ADA-EPG (PC)

ORDER REQUIRING PLAINTIFF TO  
REPLY TO WARDEN'S RESPONSE  
WITHIN FOURTEEN DAYS

Mark A. Fregia ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On November 28, 2022, Plaintiff filed what the Court construes as motion for an order under the All Writs Act, along with a request to stay this case. (ECF No. 60). Plaintiff alleges that on November 13, 2022, correctional officers Williams, Bronez, and John Doe came into his cell and took all of his personal property, including all of his legal documents related to this case.<sup>1</sup> Among other things, Plaintiff asks the Court to order certain prison officials to produce his property that was taken. He also asks that that this case be stayed until his legal documents can be found or replaced.

Given Plaintiff's allegations, and that Plaintiff is requesting relief under the All Writs Act, the Court required the Warden of Mule Creek State Prison to file a response to Plaintiff's

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<sup>1</sup> Plaintiff alleges that he does not have the case numbers for his cases. The case number for this case is listed above. Plaintiff also has one other pending case in the Eastern District, Fregia v. Miranda, and the case number for that case is 1:21-cv-01068-AWI-BAM.

1 motion. On December 13, 2022, the Warden filed a response, indicating that Plaintiff's  
2 property (including his legal property) was temporarily confiscated due to a disciplinary issue,  
3 but that his property was returned on December 1, 2022. (ECF No. 64-1).

4 Given the Warden's allegations that Plaintiff's property has now been returned, IT IS  
5 ORDERED that Plaintiff has fourteen days from the date of service of this order to file a reply  
6 to the Warden's response.

7  
8 IT IS SO ORDERED.

9 Dated: **December 14, 2022**

10 /s/ Eric P. Grogg  
UNITED STATES MAGISTRATE JUDGE